**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**Crl.Misc. No.66461-M of 2005**
**Date of Decision:- 05.07.2007**

Karnail Singh ....Petitioner(s)

through
Mr.Kanwaljit Singh, Sr. Advocate with
Mr.Inderbir Singh Gill, Advocate.

vs.

State of Punjab & anr. ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

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**CORAM:-HON'BLE MR.JUSTICE SURYA KANT.**

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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**SURYA KANT, J. (ORAL)**

The prayer in this petition is to set aside the order dated 3.6.2005 passed by the learned Sub Divisional Judicial Magistrate, Phul, in the proceedings arising out of F.I.R.No.64 dated 20.5.1987 under Sections 302, 307 IPC and Section 25 of the Arms Act registered at Police Station Dialpura. The petitioner has also sought an enquiry by some independent agency in the alleged mental/physical torture caused to his brother and/or his elimination at the hands of the Punjab Police Authorities and to grant him consequential compensation.

The facts may be noticed briefly.

The brother of the petitioner, namely, Nirmal Singh was wanted in a case F.I.R.No.40 dated 25.6.1991 under Sections 392/411 IPC read with Section 25/54/59 of the Arms Act and Section 3/ 4/ 5 of the TADA

registered at Police Station, Mehal Kalan. According to the petitioner, his above-named brother was picked up by CIA Staff of Barnala Police from the Court premises where he had gone to attend the Court proceedings, whereas the respondents have come up with the stand that said Nirmal Singh had absconded and was thereafter declared a proclaimed offender by the learned Judicial Magistrate Ist Class, Barnala vide order dated 13.3.1993.

Needless to say that whereabouts of said Nirmal Singh are still unknown and meanwhile the impugned attachment order qua his immovable properties has been passed.

The petitioner relies upon certain complaints/applications made by him and his other family members from time to time wherein it is alleged that his brother (Nirmal Singh) was picked up by the CIA Staff and was apparently eliminated. On the other hand, the respondents are quite firm in their stand that the said Nirmal Singh was never picked up by the CIA Staff and is rather absconding.

Having heard learned counsel for the parties and keeping in view the nature of allegations, I am of the considered view that a fact finding enquiry into these allegations is highly desirable. Since aspersions have been caused upon the local police authorities, it will be in the interest of justice to entrust the enquiry to the Crime Branch of the Punjab Police.

Consequently, this petition is disposed of with a direction to the Additional Director General of Police (Crime Branch), Punjab to entrust the enquiry/investigation to some Senior Police Officer of Crime Branch not below the rank of Deputy Superintendent of Police, who, in turn, is directed to carry out the necessary enquiry/investigation into the allegations made by

the petitioner and his family regarding alleged elimination of his brother ( Nirmal Singh ) and submit a report to the Competent Authority, within a period of three months.

The fate of the impugned attachment order would obviously depend upon the outcome of afore-mentioned enquiry/investigation.

**July 05, 2007** **( SURYA KANT )**
poonam **JUDGE**